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FILED

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

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US DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO, FLORIDA

ANESH GUPTA,

PLAINTIFF,

CASE NO.

Vs.

6-12-CV-1442-OR-25TBS

United States Citizenship and Immigration Services,

DEFENDANT.

_____ /

COMPLAINT FOR INJUNCTIVE RELIEF

1. This is an action under the Freedom of Information Act, 5 U.S.C. §552, for injunctive and other appropriate relief and seeking the disclosure and release of agency records improperly withheld from plaintiff by defendants.

JURISDICTION AND VENUE

2. This Court has both subject matter jurisdiction over this action and personal jurisdiction over the parties pursuant to 5 U.S.C. §552(a)(4)(B). This court also has jurisdiction over this action pursuant to 28 U.S.C. §1331. Venue lies in the district under 5 U.S.C. §552(a)(4)(B).

3. Plaintiff Anesh Gupta, is a resident of Middle District of Florida, and has requested his own records at issue.

4. Defendant United States Citizenship and Immigration Services ("USCIS") is an "agency" within the meaning of 5 U.S.C. §552(f)(1) and upon information and belief has possession and control over the records requested by the Plaintiff.

PLAINTIFF'S FOIA REQUESTS

5. Plaintiff Anesh Gupta, sent the following Freedom of Information Act (hereafter "FOIA") requests on Form G-639 by mail to the Defendant at USCIS, National Records Center, FOIA / PA office, P O Box 648010 Lee's Summit, MO 64064-8010, requesting expedited processing of FOIA under Track 3¹:

- i) On and about July 21, 2012, seeking disclosure of his own record of complete Alien File ("A-File") See Exhibit 1.
- ii) On and about July 25, 2012, seeking disclosure of his own record of I-485 Adjustment of Status application contained in the Computer-Linked Application Information system ("CLAIMS") See Exhibit 2.
- iii) On and about August 02, 2012, seeking disclosure of his own record of complete Temporary File ("T-File") See Exhibit 3.
- iv) On and about August 15, 2012, seeking disclosure of any and all correspondence with the Visa Control Office related to his Memorandum of Creation of Record for Lawful Permanent Residence (Form I-181) See Exhibit 4.
- v) On and about August 22, 2012, seeking disclosure of his own record of Application for Naturalization ("N-400") See Exhibit 5.

6. The FOIA requires that "each agency, upon any request for records which (i) reasonably describes such records and (ii) is made in accordance with published rules stating the time, place, fees (if any), and procedures to be followed, shall make the records promptly available to any person." 5 U.S.C. § 552(a)(3)(A). The statute also requires that, upon a request for documents, the agency must "determine within 20 days

¹ Track 3 is an accelerated track for cases involving individuals who are to appear before an immigration judge.

(excepting Saturdays, Sundays, and legal public holidays) after the receipt of any such request whether to comply with such request and shall immediately notify the person making such request of such determination and the reasons thereof, and of the right of such person to appeal to the head of the agency any adverse determination.” 5 U.S.C. § 552(a)(6)(A)(i).

7. The Plaintiff has received only one response, dated August 06, 2012, from the Defendant notifying him that his request for information has been placed in the fast track (Track 3) and assigned control number NRC2012072926. Plaintiff has sent 3 (three) FOIA requests before August 06, 2012 and 2 (two) other requests on August 15, 2012 and August 22, 2012 (*See* ¶ 5 above) See Exhibit 6.

8. The online status of the request which is assigned control number NRC2012072926, shows that the request was processed on September 05, 2012. See Exhibit 7.

9. Till date the Defendant has not released any of the requested records or otherwise notified the Plaintiff about his aforesaid 5 (five) FOIA requests.

10. Plaintiff also made enquiry calling the customer service phone number at 1 800 375 5283 but the matter could not be resolved.

PRAYER FOR RELIEF

WHEREFORE, for the reasons set forth above and in the interest of justice, the Plaintiff hereby requests the Honorable Court that this Court:

- Order Defendant to disclose the requested records in their entireties and make copies available to plaintiff; and

- Grant any and all such other relief, as this Court deems just, equitable and proper.

Respectfully Submitted

Dated. September 21, 2012



ANESH GUPTA

Pro se Plaintiff

Mailing Address: P O Box 692576

Orlando, FL – 32869

Telephone (321) – 230 – 4040